

WESTERN DISTRICT OF MICHIGAN

TERRELL R. REESE # (669959)

plaintiff

v.

"C/O" Bolm, "C/O" Anderson, "C/O" Labelle,
"SGT/C/O" Watson, "ARMS" Thorrington,
"Maintenance" Josh, "Nurse" A. Paige,
"RN" 12 C. Legginelli, "RN" 13 D. Carlson,
Defendants(s)

FILED - MQ

January 10, 2020 10:39 AM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: mlc SCANNED BY: *df*

Complaint

Civil Action no. _____

2:20-cv-4

Janet T. Neff - U.S. District Judge
Maarten Vermaat - Magistrate Judge

I. Jurisdiction & Venue

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. Section 1331 and 1343 (a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure.

2. The western District of Michigan is an appropriate venue under 28 U.S.C. Section 1391 (b)(2) because it is where the events giving rise to, this claim occurred.

II. Plaintiff's

3. Plaintiff, REESE, is and was at all times mentioned herein a prisoner of the State of Michigan in the custody of the Michigan Department of Corrections. He is currently confined in Marquette Branch Prison, in Marquette Michigan.

III. Defendants

4. Defendant, C/O Bohn, is a Correctional Officer of the Michigan Department of Corrections, who, at all times mentioned in this Complaint, held the Rank of Correctional Officer and was assigned to Marquette Branch Prison.

5. Defendant, C/O Anderson is a Correctional Officer of the Michigan Department of Corrections, who, at all times mentioned in this Complaint, held the Rank of, — Correctional Officer and was assigned to Marquette Branch Prison.

6. Defendant, C/O Labelle is a Correctional Officer of the Michigan Department of Corrections, who, at all times mentioned in this Complaint, held the Rank of, — Correctional Officer and was assigned to Marquette Branch Prison.

7. Defendant, C/O Sgt. Watzen is a Correctional Officer of the Michigan Department of Corrections, who, at all times mentioned in this Complaint held the Rank of, — Correctional Officer and was assigned to Marquette Branch Prison.

8. Defendant, ARUS Thorington is a Correctional Officer of the Michigan Department of Corrections, who, at all times mentioned in this Complaint held the Rank of, Correctional Officer and was assigned to Marquette Branch Prison.

1. Defendant, Maintenance Josh is a Correctional Officer of the Michigan Department of Corrections who, at all times mentioned in this Complaint held the Rank of, Correctional Officer and was assigned to Marquette Branch Prison.

10. Defendant [redacted] is a Rn of the Michigan Department of Corrections who, at all times mentioned in this complaint, held the Rank of Nurse and was assigned to Marquette Branch Prison.

11. Defendant Rn 12 C. Negrinelli is a Rn of the Michigan Department of Corrections who, at all times mentioned in this complaint held the Rank of Rn and was assigned to Marquette Branch Prison.

12. Defendant, Rn 13 D. Carlson is a Rn of the Michigan Department of Corrections who, at all times mentioned in this complaint held the Rank of Rn and was assigned to Marquette Branch Prison.

13. Each Defendant is sued individually and in his or her official capacity, at all times mentioned in this complaint each defendant acted under the color of, State Law.

14. I I I. Facts.

On 10.7.19 I was Released from Suicide watch and placed in E-unit cell, first seventeen, by C/O Cole and C/O Pelker. During my entry I was approached by C/O Bolm stating, that, "I hate you fake suicide bombers," "Get Ready your about to move to base #8." "The good of "Shitty cell" "next time you might really go through with your fake suicide attempts."

15. I told C/O Bolm that I'm really depleted and going through something, with deaths in my family. C/O Bolm stated "I don't give a fuck". C/O Bolm then placed me in hand cuffs and moved me to cell base #8.

16. Upon entering the cell, I noticed a very toxic and foul odor. I wasn't able to identify or investigate till the cuffs was removed. clo Bolm made a comment "Drown yourself in that shitty toilet." he then left the cell.

17. I began my own personal inspection of the cell to see what the odor was. I then became aware that the toilet was not in useable order and was stacked with caked up fecal matter and urine some being on the steel toilet seat.

18. The feces had risen to the lip of the toilet. I further checked the cell, and became aware of the sink, disorder in which the water was shut off.

19. During the first round of second shift clo Anderson made base rounds. I stopped clo Anderson about the issue and explained the dysfunctional cell. clo Anderson cut me off and asked "why should he care? deal with it or kill myself."

20. I asked clo Anderson why are they treating me like this and clo Anderson stated "clo Bolm doesn't want any of us to turn your water or toilet on so we, gotta play the team". on the way out my cell clo Anderson then stated "you should try sticking your head in that there toilet."

21. I was forced to remain in cell base^{#8} for approximately four and a half days. the next day on 10.8.19 I stopped Arus Thorrington during morning rounds at approximately 8:30am. I again explained the room issues in detail — about the feces and urine and no working water or toilet and sink.

22. Arus Thorrington began laughing hysterically in my face. I asked "what was funny?" about me being in a cell without water or working toilet with feces and urine creating toxic waste.

23. After 71 days in the "stand" you must sit on the floor you get a couple more days of torture this your punishment for faking suicide, all the time." I told ARUS THORINGTON "what if I had to urinate, pass-bolws, I can't do it on the fecal splattered toilet, ARUS THORINGTON then told me "so the fuck what shit on the floor", then left the cell.

24. on 10.8.19 c/o Sgt. watson was making Regular unit Sgt. Rounds for E-unit, I stopped Sgt. watson and explained in detail about my toilet, sink, and c/o Retaliation/torture tactics. Sgt. watson then stated, he didn't care his "CO-WORKERS informed him that" I frequented suicide watch and not to help me. "if I wanted help I would have to wait out". "OR Really Kill, myself." he then left my cell at this point my only intake of liquids was of the trays for meal time. that was half pint or less, and would have c/o's saliva all on it.

25. The odor and foul smell made it impossible for me to consume food, so I would constantly vomit in the toilet causing old fecal matter and urine to splash up on my face. I had no means of water so I had to use the half pints of liquids at lunch or breakfast to clean myself and vomit from face and face's and urine that got on me. this further cut my liquid intake in half.

26. later that night on 10.8.19 about 11:30pm my stomach began to constrict and ach really bad, in which I was to pass bolws in the toilet, feces and - urine splashed up to my Anus along with vomit exposing me to high risk health issues.

27. At this point I began contemplating suicide again and felt disgusted and degraded. depleted of fight I was lost mentally I felt I had no - options or help.

28. on 10.11.19 During Regular unit Rounds c/o Labelle came to my cell upon me stopping him. I explained for four day's I was forced to stay in the cell with no water, no shower, and no toilet.

26. I explained to C/O Labelle that I had not been able to consume food or liquids and that I was feeling dizzy from lack of nutritional consumptions and my stomach hurt around my kidney, area possibly from lack of liquid.

30. I further explained that I had old fecal matter on my buttocks and anus and that I really needed his help. C/O Labelle asked "How long have I've been in the cell like this" and I explained that it had been four, days approximately.

31. C/O Labelle started grinning and stated "you thought you had me". "I'll tell you what if you stuck your tongue in the toilet I will go, call maintenance" Right away. I pleaded feeling degraded but eventually stuck my tongue in the toilet with tears in my eyes.

32. C/O Labelle immediately left and went to call maintenance on 10.11.19 - around approximately 8:00am or 9:00am maintenance Josh came to fix my cell, in which time I was pulled out of the toxic cell.

33. After I ~~was~~ placed back in the cell I checked the toilet which now flushed then I checked the sink which was still not functional. I asked maintenance Josh "what's wrong the sink still didn't work." Maintenance, Josh told me that C/O Labelle told him not to cut the water on just fix the toilet.

34. on 10.11.19 I put a medical kite in about me being deprived of water, and kidney pain and dehydration.

35. Because of my limited knowledge of the state of mind I may have dated the kite wrong but I put the kite in on 10.11.19 and requested that I be called out.

36. on 11.13.19 days, weeks, after my health care kite was submitted, nurse A. paige came to my cell with clo unknown, during regular nurse Rounds, nurse A. paige stopped at my cell and asked "did you want to be seen" I stated "yes". but in doing so clo unknown told the nurse "he only wants to get out the cell, and he is faking."

37. nurse A. paige then told me "oh I don't like fakers MR. REESE." I then stated, "I didn't fake having these problems, my head and body was exposed to another person feces." nurse A. paige then told me she "no longer cared she was not going to call me out, that she would mark refusal." denying me health care.

38. I then grieved health care about the issue of not being seen and R.N.C. Negrinelli Replied back with fabricated facts saying I never put anything about water dehydration or mental health issues, in which if my kite had been properly viewed it clearly stated I was dehydrated and had mental health issues. only reason I left out the feces part is because I wanted to talk about face to face I was degraded.

39. Rn C. Negrinelli purposefully tried to cover up the situation so health care wouldn't be at fault for their errors. but she didn't realize during her fabrication I kept a copy of my health care kite.

10. D. Carlson RN13 or another staff member came to see me or properly investigate the issue I sent kites in to D. Carlson RN13 about the issue and asked why didn't I get called out or interviewed on my grievance. I received no reply until a week later when D. Carlson RN13 made a unit round and I showed her the grievance, she asked to see my health-care kite in which I showed her. D. Carlson RN13 then told me she remembered me but she had to protect the Facility health care best-interest.

11. I explained that I was exposed to vomit and feces and urine of my own and some one else's. D. Carlson RN13 told me that "she didn't care" "that I probably deserved it." "all stupid ass inmates should get treated like that," then she said "don't kite her again no matter how many times I do, I won't get healthcare".

12. I appealed all my grievance to the highest points, during this time — period of 10.7.19 till 10.11.19 it was noted and brought to the attention of, each officer here in this complaint.

13. protocol states a room check sheet should be given to any prisoner, placed into a new cell prior to entering that cell it should be cleaned and checked by c/o's. it should have been obvious by the odor and my complaints that it was clearly an issue with my cell and the fact that it was ignored for four days, tells me and proves that it was done — maliciously, according to the policy after being aware of the issue it was suppose to be an immediate work order put in or my cell should have been switched to prevent the above deprivation.

44. plaintiff REESE used the prisoner grievance procedure available at Marquette Branch Prison to try and solve the problem on 10.11.19 plaintiff REESE presented the facts relating to this complaint. on 10.24.19 plaintiff REESE was sent a response saying that the grievance had been denied on 10.29.19 he appealed the denial of the grievance on 12.11.19 plaintiff REESE, filed a grievance on health care. on 12.19.19 plaintiff REESE received a response on 12.29.19 he appealed the health care grievance response.

V. Legal Claims

45. plaintiff Reallege and incorporate by reference paragraphs 1-44,.
46. The deliberate indifference to medical needs, unsafe conditions violated plaintiff REESE's rights and constituted cruel and unusual punishment, and due process violation under the fifth and eighth Amendment to the United States Constitution.
47. The plaintiff has no plain, adequate or complete remedy at law, to redress the wrongs described herein, plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which plaintiff seeks

VI. Prayer for Relief

wherefore, plaintiff respectfully prays that this court enter judgment granting plaintiff:

48. A declaration that the acts and omissions described herein violated, plaintiff's rights under the constitution and laws of the United States.

49. A Preliminary and permanent injunction ordering defendants Clo Bolm, ARUS THORINGTON, Clo Labelle, and Sgt. Clo Watson to stop - harassing me and being able to work at Marquette Branch prison.
50. Compensatory damages in the amount of \$25,000 dollars against each defendant, jointly and severally.
51. punitive damages in the amount of \$40,000 against each defendant
52. A Jury trial on all issues triable by Jury.
53. plaintiff's costs in this suit.
54. and any additional Relief this Court deems just, proper, and equitable.

Date: 1.8.2020
Respectfully Submitted.

TERRELL R. REESE # (669959)
marquette Branch prison,
1960 U.S. Highway 41 South
marquette, MI 49855

Verification

I have Read the foregoing Complaint and here by verify that the matters alleged therein are true except as to matters alleged on information, - and belief, and as to those, I believe them to be true. I Certify under penalty of perjury that the foregoing is true and correct.

Executed at marquette Branch prison 1.8.2020

Signature Terrell Reese
TERRELL R. REESE # (669959)



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